

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

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|------------------------|---|-----------------------|
| In Re: |) | |
| |) | |
| Polodna, Timothy Wayne |) | Case No. 01-62067-ABF |
| Polodna, Christy Lynn |) | |
| |) | |
| Debtor(s). |) | |

**TRUSTEE'S MOTION TO DEPOSIT FUNDS INTO THE REGISTRY
WITH CERTIFICATE OF SERVICE**

COMES NOW Fred Charles Moon, Chapter 7 Trustee, and moves the Court to order the deposit of the following uncashed distributed dividend funds into the Registry:

One uncashed 11/13/09 Final Report distribution check #107 in the amount of \$1,213.85 to Creditor First Consumers National Bank, Eddie Bauer, P. O. Box 5280, Portland, Oregon 97208 (Claim #8), that was returned marked "Not Deliverable As Addressed, Unable to Forward" and which the Trustee voided on February 11th, 2010.

After the first return, the Trustee did an on-line computer search in order to obtain a more current working address for creditor, and attempted to mail said check to creditor using the following three alternative addresses:

16505 NW Bethany Court, Beaverton, Oregon 97006-6014

9310 SW Gemini Drive, Beaverton, Oregon 97008-7396

4800 Meadows Road, Ste 312, Lake Oswego, Oregon 97035

but on each occasion, said check was returned marked "Not Deliverable As Addressed, Unable to Forward".

The Trustee contends that creditor First Consumers National Bank should still have the right to claim said funds and, in order to bring closure for this bankruptcy case, Trustee believes it would

be in the best interest of all parties to deposit said funds into the Court's Registry.

WHEREFORE the Trustee prays:

- (1) That the Court enter an Order authorizing him to pay to the Clerk of the United States Bankruptcy Court the sum of \$1,213.85 in uncashed distributed dividends to be deposited into the Registry Fund; and
- (2) That the Court enter an Order sustaining the request for affirmative relief contained herein and confirming the relief requested herein and that any such Order incorporate the Motion and relief requested therein by reference, including its file document docket number with the Office of the United States Bankruptcy Clerk, Western District of Missouri; and
- (3) That the Court grant such other and further relief as it deems just and proper under the circumstances.

Dated this 11th day of February, 2010.

MOON & MOON
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/s/Fred Charles Moon
FRED CHARLES MOON
CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the forgoing instrument was served upon:

1. Ms. Nancy J. Gargula, United States Trustee, United States Courthouse, 400 East Ninth Street, Room 3440, Kansas City, Missouri 64106;
USTPregion13.KC.ECF@usdoj.gov
2. Mr. Jerry L. Phillips, Trial Attorney for the United States Trustee's Office, United States Courthouse, 400 East Ninth Street, Room 3440, Kansas City, Missouri 64106;
Jerry.L.Phillips@usdoj.gov
3. Mr. Robert F. Torp, Attorney for Debtors, 1736 East Sunshine Street, Suite 702, Springfield, Missouri 65804;
admin@8nodebt.com
4. Ms. Angela D. Acree, Attorney for Debtors, 1736 East Sunshine Street, Suite 700, Springfield, Missouri 65804;
admin@8nodebt.com
5. Leslie K. Rosenfeld, Attorney for Creditor Metro Credit Union, 9201 Ward Parkway, Suite 304, P. O. Box 8579, Kansas City, Missouri 64114;
lkusnetzky@aol.com
6. Mr. Lee J. Viorel, III, Attorney for Creditor Lee J City Utilities Employees Credit Union, Lawther Johnson, LLC, 901 East Saint Louis Street, 20th Floor, Springfield, Missouri 65806;
lviorel@lowtherjohnson.com
7. Recovery Management Systems Corporation, Creditor, 25 S.E. Second Avenue, Suite 1120, Miami, Florida 33131-1605; and
8. All parties requesting notice.

by electronic filing or by depositing a copy of same in the U.S. Mail, postage prepaid on this 11th day of February, 2010.

/s/Fred Charles Moon
FRED CHARLES MOON
CHAPTER 7 TRUSTEE